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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,129	11/28/2001	John William Sweitzer	AUS920010639US1	1409
40412	7590	07/28/2005	EXAMINER	
IBM CORPORATION- AUSTIN (JVL) C/O VAN LEEUWEN & VAN LEEUWEN PO BOX 90609 AUSTIN, TX 78709-0609			CHANNAVAJALA, SRIRAMA T	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,129

Applicant(s)

SWEITZER ET AL.

Examiner

Srirama Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

THIS IS NON-FINAL OFFICE ACTION TO THE PENDING CLAIMS 1-20

1. Examiner acknowledges applicant's Appeal Brief filed on 6/6/2005.
2. Examiner acknowledges applicant's response to office action filed on 7/30/2004.
3. Examiner acknowledges applicant's "Declaration under 37 CFR 1.131", and Exhibit-A and Exhibit-B filed on 7/30/2004.

In the Declaration under 37 CFR 1.131, applicant submits that Exhibit "A", and Exhibit "B" includes the structure that is now recited in claims 1,8,14, however, upon considering applicant's Exhibit "A", and Exhibit "B", examiner cannot find applicant's claims 1,8,14 in the Exhibit "A", and Exhibit "B". It is further noted from the "Declaration under 37.CFR 1.131" page 1 of 2, item 2 (a), applicant admitted that "**Each of the dates deleted from Exhibit A**" is prior to July 6, 2000. Examiner cannot determine exact date of the exhibits.

Therefore, applicant is hereby required to provide all required information that including **specifically pointing out or mapping each claim limitation [claims 1-20] into his/her submitted Exhibit "A", and Exhibit "B"** in response to this office action.

Drawings

4. The drawings filed on 11/28/2001 are approved by the Draftsperson under 37 CFR 1.84 or 1.152.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claim 1-20 of copending Application No. 09/996,131 is now Pub. No. US 2003/0101250 A1.

Claims of co-pending application SI.No. **09/996,131** contains(s) every element of Claims 1-20 of the instant application and as such anticipates claims 1-20 of the instant application, and co-pending application claims are broader than the instant application claims.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed.Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). "ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. *Claims 1-6,8-12,14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. [hereafter Chen], US Patent No. 6377934.*

9. As to claims 1,8,14, Chen disclosed 'identifying one or more client attributes corresponding to the client' [col 8, line 30-38, line 49-55, fig 3B, 4A], Chen specifically teaches client related attributes that including for example customer classification component, customer activity component, and related business activities and transaction as detailed in fig 3B;

'comparing the identified client attributes to one or more topographical components' [col 11, line 9-12, line 25-27, line 39-45, fig 5A-5B], Chen specifically teaches customer event types, attributes with respect to business requirements and match or comparing identified attributes to one or more topographical components such as data source, selection of source data and data movement mapping rules as detailed in fig 5A;

'selecting one or more of the topographical components based on the comparing' [col 10, line 63-67,col 11, line 1-12], Chen teaches selecting specific business model, specifically selecting business models from multiple business models that specifically relevant to the business process that including customer or client entries and various attribute information as detailed in col 10, line 63-67, col 11, line 1-12;

'installing the selected topographical components on one or more client computer systems' [col 12, line 40-53, fig 6A-6B], Chen specifically teaches business model dialog box displayed and selection of particular schema enables users to use business template[s], i.e., selection field illustrating that the user is selecting a particular business model for example selecting field element 520 related to telecommunications industry that corresponds to installing the selected topographical components on one or more client computer system as detailed in col 12, line 40-53, fig 6A-6B.

10. As to claims 2,9,15,Chen disclosed 'grouping a plurality of calibration factors into one or more calibration sets' [see fig 6E, col 13, line 1-11], Chen specifically teaches Focal group that has various components for example purchase return, element 552, service event element 554, user defined, element 556, sales activities, element 558, and promotion, element 559 that corresponds to calibration factors into one or more calibration sets because they are all part of selected business model;

'wherein the comparing further includes comparing the identified client attributes to the calibration factor sets' [col 11, line 39-44].

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11. As to claims 3,10,16, Chen disclosed 'calibration factors are selected from the group consisting of centralized management, branch office management, transaction based, small team, hybrid management, discipline oriented management, resource oriented management, personal management and no management required' [fig 1, fig 3A, col 54-62, col 12, line 48-53].

12. As to claim 4,11,17, Chen disclosed 'storing one or more calibration factors corresponding to each of the topographical components in a component metadata file' [col 7, line 59-62, fig 3B], Chen specifically teaches meta model used in different business related operations; 'comparing further includes comparing the identified client attributes with the calibration factors stored in the metadata file'[col 8, line 1-3]; 'identifying one or more components based on the comparing' [col 8, line 8-12]; 'retrieving the identified components from a topographical component library' [col 8, line 13-20].

13. As to Claims 5,12,18, Chen teaches a system which including 'packing the selected topographical components in a topography installation file' [col 12, line 54-62], 'transmitting the topography installation file to the client computer system' col 5, line 45-49].

14. As to Claims 6,13,19, the limitations of this claim have been noted in the rejection above. In addition, Chen disclosed 'gathering the client attributes, the gathering including examining one or more attributes selected from the group consisting of client

organization charts, client information technology, client surveys, client requirements, client physical environments, and client location data' [col 13, line 35-41].

15. Claims 7,13,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. [hereafter Chen], US Patent No. 6377934 as applied to claim 1,8,14 above, and further in view of Ankireddipally et al. [hereafter Ankireddipally], US Patent No. 6772216.

16. As to claims 7,13,20, Chen teaches a system which including 'installing one or more topography application components' [col 12, line 54-62, fig 3A-3B]. It is however, noted that Chen does not teach 'topography neutral application components is adapted to interoperate with more than one topography'. On the other hand, Ankireddipally disclosed "topography neutral application components is adapted to interoperate with more than one topography' [col 11, line 24-29,col 14, line 43-50], Ankireddipally specifically teaches document object model, a platform and language-neutral application programming interface for both HTML and XML data documents.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Ankireddipally into techniques for organizing business information system specifically in a data-warehousing environment of Chen et al. because both Chen and Ankireddipally are directed to business applications, more specifically Chen is directed to providing business model for

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enterprises, specifically meta model, further defining data schema that specifically defines attributes, domains and other related parameters for analyzing information about customers, business processes [col 2, line 26-45], while Ankireddipally is directed to interaction protocol for managing cross company processes in a network distributed applications, more specifically, commerce exchange interaction protocol or CXIP [see abstract,], further it is noted that this distributed applications are used in electronic commerce [col 6, line 41-49]

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Ankireddipally into techniques for organizing business information system specifically in a data-warehousing environment of Chen et al. because that would have allowed users of Chen to implement commerce exchange interaction protocol that operates at the application level, bringing the advantages of application-to-application interaction between the requesting application and a service application as suggested by Ankireddipally [col 8, line 21-29] .

Response to Arguments

17. Applicant's arguments in the appeal brief, filed on 6/6/2005, with respect to the rejection of claims 1-20 have been considered but are moot in view of the new ground(s) of rejection as stated above.

Conclusion


The prior art made of record

- a. US Patent No. 6377934
- b. US Patent No. 6772216

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-272-8300 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

sc
Patent Examiner.
July 23, 2005.


Alam, Hosain, T
SPE, AU2166.